

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**AMY BRANCH,**

**Plaintiff**

**vs.**

**ARBY'S RESTAURANT GROUP,  
INC.; JEFF COLLINS,**

**Defendants**

**Case No. 2:12-CV-00677-HGD**

**MEMORANDUM OPINION**


This case is presently before the court on the Magistrate Judge's Report and Recommendation. (Doc. 41.) The parties were allowed fourteen days to file Objections; to date, no Objections have been filed.

The district court reviews *de novo* those parts of the Report and Recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to."). The court may review the other parts of the Report and Recommendation for plain error or manifest injustice. *United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983) (citing *Nettles v. Wainwright*, 677 F.2d 404, 410 (11th Cir. 1982)). "The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

This court has carefully considered the record in this case, including the Report and Recommendation. Based on its review, the court **ADOPTS** the Report of the Magistrate Judge and **ACCEPTS** his Recommendations. Contemporaneous with the entry of this Memorandum Opinion, the court will enter an Order (1) granting defendant Jeff Collins's

Motion to Dismiss for Lack of Personal Jurisdiction, (doc. 8); (2) granting Motion for Partial Dismissal, (doc. 10), filed by defendant Arby's Restaurant Group [ARG], as to Counts I, II, IV, VII, VIII, IX, and X, and denying its Motion for Partial Dismissal, (doc. 10), as to Count XI; (3) denying ARG's Motion to Dismiss for Failure to Prosecute and for Award of Attorney's Fees, (doc. 21); and (4) granting ARG's Motion for Default Judgment, (doc. 35).<sup>1</sup>

**DONE**, this 14th day of June, 2013.

  
SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>In the Report and Recommendation, the Magistrate Judge indicated that the amount of the counterclaim is "\$2609.49, which represented \$2494.89 in charges and \$1134.60 in delinquency charges and late fees." (Doc. 41 at 5.) ARG claims "\$113.60 in delinquency charges and late fees." (Doc. 7 § 6 at 14-15.) The total amount claimed is properly set forth in the Report and Recommendation. (See doc. 41 at 5, 27.)